

**Iowa Code & Administrative Rules  
Pertaining to Driver Education**

**Iowa Code section 321.178**

**Driver education — restricted license — reciprocity.**

1. *Approved course.* a. An approved driver education course as programmed by the department shall consist of at least thirty clock hours of classroom instruction, of which no more than one hundred eighty minutes shall be provided to a student in a single day, and six or more clock hours of laboratory instruction of which at least three clock hours shall consist of street or highway driving. Classroom instruction shall include all of the following:

- (1) A minimum of four hours of instruction concerning substance abuse.
- (2) A minimum of twenty minutes of instruction concerning railroad crossing safety.
- (3) Instruction relating to becoming an organ donor under the revised uniform anatomical gift Act as provided in chapter 142C.
- (4) Instruction providing an awareness about sharing the road with bicycles and motorcycles. The instruction course shall be first approved by the state department of transportation. Instructional materials creating an awareness about sharing the road with bicycles and motorcycles shall also be distributed during the course of instruction.

b. (1) To be qualified as a classroom driver education instructor, a person shall have satisfied the educational requirements for a teaching license at the elementary or secondary level and hold a valid license to teach driver education in the public schools of this state.

(2) (a) To be qualified to provide street or highway driving instruction, a person shall be certified by the department and authorized by the board of educational examiners. A person shall not be required to hold a current Iowa teacher or administrator license at the elementary or secondary level or to have satisfied the educational requirements for an Iowa teacher license at the elementary or secondary level in order to be certified by the department or authorized by the board of educational examiners to provide street or highway driving instruction.

(b) The department shall adopt rules pursuant to chapter 17A to provide for certification of persons qualified to provide street or highway driving instruction. The board of educational examiners shall adopt rules pursuant to chapter 17A to provide for authorization of persons certified by the department to provide street or highway driving instruction. The department may disqualify a person from providing street or highway driving instruction without concurrent or further action by the board of educational examiners, and the board of educational examiners may withhold or withdraw authorization to provide street or highway driving instruction without concurrent or further action by the department.

(3) The department shall not disqualify a person from providing street or highway driving instruction and the board of educational examiners shall not withhold or withdraw authorization to provide street or highway instruction for the sole reason that the person was involved in a motor vehicle accident, unless either of the following circumstances exist:

(a) The person contributed to the motor vehicle accident and the accident caused the death or serious injury of another person.

(b) The person contributed to the motor vehicle accident and it was the person's second or subsequent contributive motor vehicle accident in a two-year period.

(4) A person who provides street or highway driving instruction shall hold a driver's license valid for the vehicle operated.

c. Every public school district in Iowa shall offer or make available to all students residing in the school district or Iowa students attending a nonpublic school in the district an approved course in driver education. The receiving district shall be the school district responsible for making driver education available to a student participating in open enrollment under section 282.18. The courses may be offered at sites other than at the public school, including nonpublic school facilities within the public school districts. An approved course offered during the summer months, on Saturdays, after regular school hours during the regular terms or partly in one term or summer vacation period and partly in the succeeding term or summer vacation period, as the case may be, shall satisfy the requirements of **this section** to the same extent as an

approved course offered during the regular school hours of the school term. A student who successfully completes and obtains certification in an approved course in driver education or an approved course in motorcycle education may, upon proof of such fact, be excused from any field test which the student would otherwise be required to take in demonstrating the student's ability to operate a motor vehicle. A student shall not be excused from any field test if a parent, guardian, or instructor requests that a test be administered. A final field test prior to a student's completion of an approved course shall be administered by a person qualified as a classroom driver education instructor and certified to provide street and highway driving instruction. A person qualified as a classroom driver education instructor but not certified to provide street and highway driving instruction may administer the final field test if accompanied by another person qualified to provide street and highway driving instruction.

d. "*Student*", for purposes of this section, means a person between the ages of fourteen years and twenty-one years who satisfies the preliminary licensing requirements of the department.

e. Any person who successfully completes an approved driver education course at a private or commercial driver education school licensed by the department shall likewise be eligible for a driver's license as provided in section 321.180B or 321.194.

2. *Restricted license.* a. (1) A person between sixteen and eighteen years of age who has completed an approved driver's education course and is not in attendance at school and has not met the requirements described in section 299.2, subsection 1, may be issued a restricted license only for travel to and from work or to transport dependents to and from temporary care facilities, if necessary for the person to maintain the person's present employment. The restricted license shall be issued by the department only upon confirmation of the person's employment and need for a restricted license to travel to and from work or to transport dependents to and from temporary care facilities if necessary to maintain the person's employment. The employer shall notify the department if the employment of the person is terminated before the person attains the age of eighteen.

(2) (a) A person issued a restricted license under this section shall not use an electronic communication device or an electronic entertainment device while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway. This subparagraph division does not apply to the use of electronic equipment which is permanently installed in the motor vehicle or to a portable device which is operated through permanently installed equipment. A violation of this subparagraph division shall not be considered a moving violation except for purposes of section 321.193.

(b) For the period beginning July 1, 2010, through June 30, 2011, peace officers shall issue only warning citations for violations of subparagraph division (a). The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of subparagraph division (a).

b. The department may suspend a restricted license issued under **this section** upon receiving a record of the person's conviction for one violation and shall revoke the license upon receiving a record of conviction for two or more violations of a law of this state or a city ordinance regulating the operation of motor vehicles on highways, other than parking violations as defined in **section 321.210**. After revoking a license under **this section** the department shall not grant an application for a new license or permit until the expiration of one year or until the person attains the age of eighteen whichever is the longer period.

3. *Driver's license reciprocity.* a. The department may issue a class C or M driver's license to a person who is sixteen or seventeen years of age and who is a current resident of the state, but who has been driving as a resident of another state for at least one year prior to residency within the state.

b. The following criteria must be met prior to issuance of a driver's license pursuant to **this subsection**:

(1) The minor must reside with a parent or guardian.

(2) The minor must have driven under a valid driver's license for at least one year in the prior state of residence. Six months of the one year computation may include driving with an instruction permit.

(3) The minor must have had no moving traffic violations on the minor's driving record.

(4) The minor must pass the written and driving skills tests as required by the department, but is not required to have taken a driver's education class.

**Iowa Administrative Code section 761-634**  
**Driver Education.**

**Note: The clear driving record requirements in 761-634.6 and 761-634.7 are subject to revision based on the 2010 legislative session.**

**761—634.1(321) Information and location.** Applications, forms and information regarding this chapter are available by mail from the Office of Driver Services, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)237-3153; or by facsimile at (515)237-3071.

**761—634.2(321) Definition.**

*“Laboratory instruction”* includes instruction received by a student while the student is in the driver education vehicle or adjacent to it as referred to in paragraphs 634.4(2) “c” and 634.4(2) “d” and may also include range or simulation as referred to in paragraphs 634.4(2) “h” and 634.4(2) “i.”

**761—634.3** Reserved.

**761—634.4(321) Driver education course standards and requirements.**

**634.4(1) Course approval.** Any school district, area education agency, merged area school, other agency or individual planning to offer a driver education course must receive course approval from the department prior to the beginning of the first class that is offered and annually thereafter. The agency or institution or individual shall complete a form provided by the department to apply for course approval. Course approval will be issued for a calendar year or remainder of a calendar year. The approval expires on December 31 and must be renewed annually.

**634.4(2) Course requirements.** Driver education courses must comply with the following:

- a. Schools shall provide for each student a minimum of 1800 minutes in classroom instruction, plus 360 minutes in supervised laboratory instruction, exclusive of observation time, in a dual-control motor vehicle.
- b. Each student shall be scheduled to receive classroom and laboratory instruction each week of the course but in no case shall laboratory instruction conclude later than 30 days after classroom instruction is completed.
- c. Behind-the-wheel instruction shall be limited to a maximum of 30 minutes per student per session and a maximum of 60 minutes in a single day.
- d. Two or more students shall be scheduled for all behind-the-wheel instruction to ensure that appropriate observation time is experienced.
- e. Routine maintenance of motor vehicles to maximize energy efficiency and safety shall be included in classroom instruction.
- f. Operation of motor vehicles to maximize energy efficiency and safety shall be included in classroom instruction.
- g. Each school district shall provide students who are absent from instruction an opportunity to make up a reasonable amount of time and coursework.
- h. When driving simulators are used for part of the behind-the-wheel driving experience, four hours of simulator experience shall be considered equal to one hour of behind-the-wheel driving in the car. However, in addition to simulator time, a minimum of three hours of on-street, behind-the-wheel driving must be completed.
- i. When driving ranges are used in driver education courses, two hours of range experience shall be considered equal to one hour of on-street, behind-the-wheel driving. However, in addition to range time, a minimum of three hours of on-street, behind-the-wheel driving must be completed.
- j. Motor vehicles which are designed primarily for carrying nine or fewer occupants, excluding motorcycles and mopeds, are the only motor vehicles approved for use in driver education courses, and each shall be equipped with a dual control. In addition, all driver education vehicles shall have an inside rearview mirror and an outside rearview mirror mounted on each side of the vehicle.
- k. The driver education teacher shall verify at the beginning of each course that each student possesses a valid instruction permit or driver's license. Each student shall be responsible for possessing an instruction permit or driver's license throughout all laboratory instruction and report any suspension, revocation or cancellation of the instruction permit or driver's license to the driver education teacher

prior to attending laboratory instruction.

**634.4(3) *Experimental program.*** Approval of an experimental program may be granted by the department if based on student or school district need for improved instruction. The maximum duration of an experimental program shall be three years. Annual documentation of the effectiveness of instruction is required and must be submitted to the department subsequent to program completion.

**761—634.5** Reserved.

**761—634.6(321) *Teacher qualifications.*** To qualify to be a driver education teacher, the teacher must:

**634.6(1)** Hold a valid driver's license that permits unaccompanied driving, other than a motorized bicycle license or a temporary restricted license.

**634.6(2)** Have a clear driving record for the previous two years. A clear driving record means the individual has:

- a. Not been identified as a candidate for driver's license suspension under the habitual violator provisions of rule 761—615.13(321) or the serious violation provisions of rule 761—615.17(321).
- b. No driver's license suspensions, revocations, denials, cancellations, disqualifications or bars.
- c. Not committed an offense that would result in driver's license suspension, revocation, denial, cancellation, disqualification or bar.
- d. No record of an accident for which the individual was convicted of a moving traffic violation.

**761—634.7(321) *Behind-the-wheel instructor's certification.*** The following applies to departmental certification of a person who is qualified to provide the street or highway driving component of an approved driver education course.

**634.7(1) *Qualifications.*** To qualify for the behind-the-wheel driving instructor certification, the applicant must:

- a. Be at least 25 years of age.
- b. Hold a valid driver's license that permits unaccompanied driving, other than a motorized bicycle license or a temporary restricted license.
- c. Have a clear driving record for the previous two years. A clear driving record means the individual has:

(1) Not been identified as a candidate for driver's license suspension under the habitual violator provisions of rule 761—615.13(321) or the serious violation provisions of rule 761—615.17(321).

(2) No driver's license suspensions, revocations, denials, cancellations, disqualifications or bars.

(3) Not committed an offense that would result in driver's license suspension, revocation, denial, cancellation, disqualification or bar.

(4) No record of an accident for which the individual was convicted of a moving traffic violation.

d. Have successfully completed the instructor preparation requirements of this rule, as evidenced by written attestations on a form provided by the department from both the classroom instructor and behind-the-wheel observer.

**634.7(2) *Disqualifications.*** An individual shall be disqualified for the behind-the-wheel driving instructor certification for any of the following reasons:

- a. The individual has been convicted of child abuse or sexual abuse of a child.
- b. The individual has been convicted of a felony.
- c. The individual's application is fraudulent.
- d. The individual's teaching license or behind-the-wheel instructor's certification from another state is suspended or revoked.

**634.7(3) *Investigation.*** The department may investigate an applicant for a behind-the-wheel instructor's certification to determine if the applicant meets the requirements for certification. The investigation may include but is not limited to an inquiry into the applicant's criminal history from the department of public safety.

**634.7(4) *Certification.***

a. To obtain a behind-the-wheel instructor's certification, an individual meeting the qualifications shall apply to the department on a form provided by the department. The certification shall be issued for a calendar year or remainder of a calendar year. The certification expires on December 31 but remains valid for an additional 30 days after the expiration date. The certification shall be renewed within 30 days of the expiration date.

b. To renew a behind-the-wheel instructor's certification, a person meeting the qualifications must:

(1) Provide behind-the-wheel instruction for a minimum of 12 clock hours during the previous calendar year.

(2) Participate in at least one state-sponsored or state-approved behind-the-wheel instructor refresher course.

**634.7(5) *Instructor preparation requirements.*** The department shall develop the curriculum in consultation with the Iowa driver education teacher preparation programs approved by the board of educational examiners and in consultation with the American Driver and Traffic Safety Education Association. Instructor preparation shall meet the following requirements:

- a. Instructor preparation shall consist of 24 clock hours of classroom instruction and 12 clock hours of observed behind-the-wheel instruction.
- b. At a minimum, classroom instruction shall focus on topics such as the psychology of the young driver, behind-the-wheel teaching techniques, and route selection. Classroom instruction shall be delivered by staff from a driver education teacher preparation program approved by the board of educational examiners. The duration of a classroom session shall not exceed four hours. Video conferencing may be used for course delivery.
- c. Observation of behind-the-wheel instruction shall be provided by a person licensed to teach driver education who is specially trained by a driver education teacher preparation program approved by the board of educational examiners to observe, coach, and evaluate behind-the-wheel instructor candidates. The duration of a behind-the-wheel session shall not exceed four hours. A dual-control motor vehicle must be used.
- d. The individual seeking a behind-the-wheel certification must apply to the department within 12 months of the completion of the course.

**634.7(6) *Cancellation.*** The department shall cancel the behind-the-wheel instructor's certification of an individual who no longer qualifies under paragraph 634.7(1) "c" or who no longer meets the qualifications for a behind-the-wheel instructor's certification.

**634.7(7) *Approved driver education course.*** To provide the street or highway driving component of an approved driver education course, an individual holding a behind-the-wheel instructor's certification must be employed by a public or licensed commercial or private provider of the approved driver education course and work under the supervision of a person licensed to teach driver education.

**761—634.8(321) Private and commercial driver education schools.** The department licenses private and commercial driver education schools as follows:

**634.8(1) *Instructor and course approval.*** Prior to licensing a driver education school, the department shall approve the school's course, classroom instructors and laboratory instructors. Street or highway driving instruction must be provided by a person qualified as a classroom driver education instructor or a person certified by the department and authorized by the board of educational examiners. Written evidence of these approvals and certifications must be submitted to the department upon application for a license, upon renewal of a license, and upon reinstatement of a license following cancellation.

**634.8(2) *Application and fees.*** Application for license issuance or renewal shall be made to the department on forms provided by the department. The fee for a license or the renewal of a license is \$25. The fee must be paid by cash, money order or check. A money order or check must be for the exact amount and should be made payable to the Treasurer, State of Iowa, or the Department of Transportation.

**634.8(3) *Issuance and renewal.*** A license to teach driver education shall be issued for a calendar year or remainder of a calendar year. The license expires on December 31 but remains valid for an additional 30 days after the expiration date. The license shall be renewed within 30 days of the expiration date.

**634.8(4) *Cancellation.*** A license to teach driver education shall be canceled if the course or instructor is no longer approved or the person providing only behind-the-wheel instruction for driver education is no longer certified by the department and authorized by the board of educational examiners. These rules are intended to implement Iowa Code sections 321.178, 321.180B and 321.194.

#### **Iowa Code or laws most closely related to DE. are:**

321.174 Operators licensed — operation of commercial motor vehicles

321.178 Driver education – restricted license –reciprocity

321.180B Graduated driver's licenses for persons aged fourteen through seventeen

321.194 Special minors' licenses

321.213B Suspension for failure to attend

**Administrative Rules of interest to Driver Ed teachers would be:**

761-634 Driver Education

761-635 Motorcycle Rider Education

761-636 Motorized Bicycle Rider Education

761-602.26 Minor's school license

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**Information on Reduced Fees**

**Iowa Code 256.7**

**Duties of state board**

Except for the college student aid commission and the public broadcasting board and division, the state board shall:

20. Adopt rules that require the board of directors of a school district to waive school fees for indigent families.

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**Iowa Administrative Rule - Chapter 18**  
**School Fees**

**PREAMBLE**

Equal access to course offerings and related activities enables schools to meet the needs and interests of all students; challenge the abilities of all students consistent with their individual stages of development; and contribute to the physical, mental, athletic, civic, social, moral and emotional growth of all students. It is the intent of the department of education that all students be treated equally, regardless of the student's or the student's parent's financial status. The department considers it essential that procedures be adopted which preserve the integrity and self-esteem of any student and the student's family who apply for a waiver.

**281—18.1 (256) Policy.**

It is the policy of the department of education that no Iowa student enrolled in a public school be excluded from participation in or denied the benefits of course offerings and related activities due to the student's or the student's parent's or guardian's financial inability to pay a fee associated with the class, program, or activity.

**281—18.2(256) Fee policy.**

The board of directors of a public school shall adopt a policy regarding the charging and collecting of fees for course offerings and related activities, and for transportation provided to resident students who are not entitled to transportation under Iowa Code section 285.1. The policy established by the board of directors

shall apply to any fees charged. The board shall require that procedures be developed to implement the policy pursuant to these rules.

**281—18.3(256) Eligibility for waiver, partial waiver or temporary waiver of student fees.**

The policy required by rule 18.2(256) shall include provisions for granting a waiver, partial waiver, or temporary waiver of student fees upon application by the student.

**18.3(1) Waivers.**At minimum, the policy shall include the following provisions relating to eligibility for the waivers:

*a. Waiver.*

A student shall be granted a waiver of all fees covered by this chapter if the student or the student's family meets the financial eligibility criteria for free meals offered under the Child Nutrition Program, or the Family Investment Program (FIP), or transportation assistance under open enrollment provided under 281—subrule 17.9(3), or if the student is in foster care.

*b. Partial waiver.*

A school district shall grant a student either a waiver of all student fees or a partial waiver of student fees if the student or the student's family meets the financial eligibility criteria for reduced price meals offered under the Child Nutrition Program. A partial waiver shall be based on a sliding scale related to an ability to pay.

*c. Temporary waiver.*

At the discretion of the school district, a student may be granted a temporary waiver of a fee or fees in the event of a temporary financial difficulty in the student's immediate family. A temporary waiver may be applied for and granted at any time during a school year. The maximum length of a temporary waiver shall be one year.

*d. Fees waived not collectable.*

The policy shall include a provision stating that when an application for any fee waiver is granted, the fee or fees waived under the application are not collectable.

*e. Distribution of policy and applications.*

The procedures on charging fees, a written notice of fees charged to each student, the waiver and reduction policy and procedures including income guidelines, and the application for waiver shall be distributed to all registrants for school at the time of registration or enrollment. For students or families whose primary language is other than English, the school shall provide a copy of the materials in the student's native language or arrange for translation of the materials within a reasonable time.

*f. Annual application.*

The request for a fee waiver shall be made on application forms provided by the department of education. An application can be received at any time but shall be renewed at the beginning of the school year.

**18.3(2) Applications.**The procedures shall include a description of the confidential application process for the waiver and shall provide that a written decision be issued to the applicant within a reasonable time. If the application is denied, the decision shall include the reason for the denial.

**18.3(3) Appeals.**The procedures shall include a provision for a confidential review of any denial by a person or persons designated by the board of directors upon request and the manner in which an appeal may be taken. If the decision on review is again to deny the application, the decision maker shall notify the applicant in writing that the applicant may appeal the denial to the director of the department of education by filing a notarized statement within 30 days of the applicant's receipt of the final decision of the district.

**281—18.4(256) Fees covered.** Fines assessed for damage or loss to school property are not fees and need not be waived.

Nothing in this chapter shall be construed to authorize the charging of a fee for which there is no authority in law.

**281—18.5 (256) Effective date.**

These rules are effective for the 1996-97 school year, and school years thereafter.

These rules are intended to implement Iowa Code section 256.7(20).